

REMARKS

Reconsideration and allowance of the subject application in view of the following remarks is respectfully requested.

Claims 1-4, 6-11 and 13-25 remain pending in the application. Applicant appreciatively notes that claims 18 and 20-22 are allowed.

Claims 1-3, 6, 14-16, 19, 23 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zijderhand in view of Holland and Murphy. Applicant respectfully traverses this rejection.

The present invention recited in claims 1 and 14 is directed to a system which have automatically transmitted location information at a first location at a first interval frequency and automatically transmits at a second location at a second interval frequency. The location of the vehicle is transmitted automatically at the first location and at the second location. By contrast, Zijderhand transmits information based upon discreet internal change of status of the vehicle (col. 3, lines 48-56). Nowhere in Zijderhand is location information transmitted based on location. Holland does not overcome the deficiencies of Zijderhand. The Examiner has not pointed to any teaching or suggestion in either of the applied references for making this combination. It appears that the Examiner is merely using hindsight to make this combination. Applicant respectfully traverses this rejection.

In the Office Action dated August 12, 2003, the Examiner, in response to the arguments presented, the Examiner stated that Zijderhand discloses location transmitted based on location. Applicant strenuously disagrees. Zijderhand does not disclose transmitting location position based on location, but rather based on other triggers. The discrete internal changes of status of the vehicle in Zijderhand can be one of various categories. Disclosed in Zijderhand are the length of road driven, a deviation from an expectation with respect to temporal or spatial parameters of the route, or to a change in the actual physical situation of the vehicle itself (col. 2, lines 27-31). Zijderhand also discloses changes of status of the vehicle as pertaining to the navigation as detected by the central processor 58 (col. 3, lines 54-58). Other examples disclosed in Zijderhand are a predetermined distance has been covered, the vehicle deviates by more than a threshold amount from a route that has been planned by the local vehicle system or by the central station, the expected time of arrival or any of the intermediate passage instants has

changed by more than a threshold amount, or the vehicle travels along a road element with a traversal time that is sufficiently different from expected, as through traffic stoppage. Although Zijderhand discloses many triggers for triggering location information, none is the same as recited in the claims of the present invention. For this reason, independent claims 1 and 14 should be allowed and the rejection should be withdrawn. Dependent claims 2-3, 6, 15-16, 19, 23 and 25 recite additional, important limitations and should be allowable and the rejection should be withdrawn.

Claims 9-10, 13 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zijderhand in view of Adolph and Murphy. Applicant respectfully traverses this rejection.

In the Office Action dated August 12, 2003, the Examiner, in response to the arguments presented, the Examiner stated that Zijderhand discloses location transmitted based on location. Applicant strenuously disagrees. Zijderhand does not disclose transmitting location position based on location, but rather based on other triggers. The discrete internal changes of status of the vehicle in Zijderhand can be one of various categories. Disclosed are the length of road driven, a deviation from an expectation with respect to temporal or spatial parameters of the route, or to a change in the actual physical situation of the vehicle itself (col. 2, lines 27-31). Zijderhand also discloses changes of status of the vehicle as pertaining to the navigation as detected by the central processor 58 (col. 3, lines 54-58). Other examples disclosed in Zijderhand are a predetermined distance has been covered, the vehicle deviates by more than a threshold amount from a route that has been planned by the local vehicle system or by the central station, the expected time of arrival or any of the intermediate passage instants has changed by more than a threshold amount, or the vehicle travels along a road element with a traversal time that is sufficiently different from expected, as through traffic stoppage. Although Zijderhand discloses many triggers for triggering location information, none is the same as recited in the claims of the present invention. For this reason, claim 9 should be allowed and the rejection should be withdrawn. Dependent claims 10, 13 and 24 recite additional, important limitations and should be allowable and the rejection should be withdrawn.

Claims 4, 11 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zijderhand, Holland, Adolph and Murphy and further in view of Mathis. Applicant respectfully traverses this rejection.

For the reasons discussed above with respect to claims 1 and 9, claims 4, 11 and 17 should be allowable. Mathis does not overcome these deficiencies. Thus, this obviousness rejection should be withdrawn.

Claims 7-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Zijderhand, Holland and Murphy and further in view of Novik. Applicant respectfully traverses this rejection.

For the reasons discussed above with respect to claim 1, claims 7 and 8 should be allowable. Novik does not overcome these deficiencies. Thus, this obviousness rejection should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP



Kenneth M. Berner
Registration No. 37,093

USPTO Customer No. 33308
1700 Diagonal Road, Suite 300
Alexandria, VA 22314
(703) 684-1111
(703) 518-5499 Facsimile
Date: November 12, 2003
KMB/JD